

CONTROL AND RESTRAINT POLICY (Statutory)



Ready Respectful Safe

At Nunthorpe Academy we ensure that our core ethos of Ready Respectful and Safe is visible in all that we do within the academy. This ensures that all of our students, staff and wider community are safe, and well supported and prepared for learning.

Nunthorpe Academy is committed to maintaining the safety of students and staff. Situations involving decisions about whether to use force can occur in the Academy. This policy seeks to establish clear guidelines on the use of force by staff and acts as an important part in minimising risks associated with choosing to use or not use force.

The Academy advice is not to control and restrain students unless the situation demands.

Section 93 of the Education and Inspections Act 2006 enables Academy staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

1. Committing an offence.
2. Causing personal injury to, or damage to the property of, any person (including the student him/herself).
3. Prejudicing the maintenance of good order and discipline at the Academy or among any students receiving education at the Academy, whether during a teaching session or otherwise.

Staff who have these powers are:

1. All Academy colleagues have a legal power to use reasonable force.
2. Staff granted temporary authorisation by the Executive Principal and/or the Head of School e.g. site staff, unpaid volunteers or parents accompanying students on an organised Academy visit. Students employed to assist with supervision are **not** authorised to use force.

*There is no legal definition of when it is **reasonable to use force**. To be judged as lawful, **the force used** would need to be in **proportion** to the **consequences** it is intended to **prevent**.*

SEND students must:

- Not be treated less favourably.
- Have reasonable steps taken to avoid putting them at a substantial disadvantage.

Staff may use reasonable force to prevent behaviour that prejudices the maintenance of Academy discipline, regardless of whether the behaviour constitutes a criminal offence in line with the Academy behaviour policy.

Reasonable force may also be used to search students for weapons, alcohol, illegal drugs, stolen items, tobacco, fireworks, and pornographic images. **However it is advisable to call the Police to undertake the search in association with the Academy Inclusion Officers.**

It is unlawful to use force as a punishment.

This policy will be kept under regular review in light of legal developments and best practice.

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Minimising the use of force

Range of strategies suggested:

1. Calm orderly and cooperative Academy environment.
2. Developing effective relationships: through the use of the Academy Behaviour Policy.
3. Recognising challenging students.
4. Effectively managing individual incidents.

Deciding if force is appropriate

Staff need to make the clearest possible judgement about the:

1. Seriousness of the incident, assessing the effects of injury, damage or disorder.
2. Chance of achieving the desired result by another means.
3. Relative risks associated with physical intervention compared to using other strategies.

Risk assessment

Individual risk assessments may be needed for particular students depending on numerous factors including (but not limited to) behaviour and Educational Health Care Plan (EHCP).

Using reasonable force

Before using reasonable force, staff should ask the student to stop the poor/challenging behaviour in a calm and measured manner. If needed students should be informed of the likely use of reasonable force. Types of reasonable force are:

1. Passive physical contact – standing between students or blocking a student's path.
2. Active physical contact – leading by the hand or arm – ushering away by hand in the centre of back – Extreme circumstances – using appropriate restrictive holds, which may **require specific expertise and training and therefore should only be undertaken by trained members of staff**. Restraint is typically used in more extreme circumstances, e.g. two students fighting and refusing to separate without physical intervention.
3. If there is a high and immediate risk of death or serious injury, staff can take any action necessary.
4. Staff should avoid touching or restraining in any way that can be interpreted as sexual conduct.

Recording and reporting incidents

1. Systemic records of every incident where force has been used must be kept by completing the statement form which is also used for BIRs.
2. Records need to be completed by all staff involved; parents informed and follow up action decided. All injuries should be recorded in the accident book and medical assistance sought.

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Parents have the right to complain and the Executive Principal and/or the Head of School should follow Academy procedures for this to be investigated. – in accordance with ‘allegations of abuse against Staff’ Policy.

Further Information –

DFE- 00295-2013 Use of reasonable force – advice for headteachers, staff and governing bodies (reviewed July 2015)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf Reducing the Need for Restraint and Restrictive Intervention 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812435/reducing-the-need-for-restraint-and-restrictive-intervention.pdf

Guidance on the Use of Force to Control and Restrain Pupils
<http://www.teachernet.gov.uk/doc/12187/ACFD89B.pdf>

Guidance on Screening and Searching Pupils for Weapons May 2007.
<http://www.teachernet.gov.uk/docbank/index.cfm?id=11454>

DfE Searching, Screening and Confiscation. Advice for Headteachers, school staff and governing bodies January 2018
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

NB. This policy should be considered in conjunction with the Academy Behaviour Policy.

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